

## **District II Advisory Board Minutes**

**June 1, 2009**

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The District II Advisory Board meeting was held at 7:00 p.m. at Fire Station #20 located at 2255 S. Greenwich Road. CM Schlapp was in attendance, (10) board members attended, (4) staff and approximately (9) citizens were in attendance. Only those individuals who signed in are listed as guests below.

### **Members Present**

Joe Johnson  
Aaron Mayes  
Larry Frutiger  
Max Weddle  
Daryl Crotts  
Marty Weeks  
Sarah Devries  
Phil Ryan  
Tim Goodpasture

### **Members Absent**

Brian Carduff  
Dave Mollhagen  
Nick Pompeo- Youth Member  
Allison Wegner- Youth Member

### **Staff Present**

Antione Sherfield- Neighborhood Assistant  
Jess McNelly, Planning Department  
Captain Joe Bickel - WFD  
Officer Lowe - WPD

### **Guests**

Listed below

## **ORDER OF BUSINESS**

### **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. CM Schlapp welcomed everyone and explained how the DAB meeting is conducted. DAB members did introductions. She advised that Chairman Joe Johnson runs the meeting as she likes to get feedback from her board on issues brought before them and feels that this is the best manner to receive that information.

### **APPROVAL OF MINUTES AND AGENDA**

- **June Agenda approved (10-0)**
- **May Minutes approved (10-0)**

### **PUBLIC AGENDA**

#### **1. Off-Agenda Items**

**Wayne Larson, Kansas State University Pollution Prevention Institute**, presented information on environmentally preferred disposal techniques for excess or expired medications. Mr. Larson stated that when dealing with excess or expired medications,

toilet –flushing disposal is no longer recommended. National studies have shown this common technique can negatively impact aquatic life.

Sedgwick County residents can utilize the most preferred option by taking their medications to the Sedgwick County Household Hazardous Waste Facility at 801 Stillwell in Wichita, KS. Mr. Larson stated that this service is free but, the facility can't accept controlled or narcotic substances.

If residents cannot take their medication to the Sedgwick County collection facility, they can use the kitty litter or coffee ground method recommended by the Kansas Department of Health and Environment. This involves crushing or dissolving solid medications in water, coffee or another liquid then making a paste by adding this liquid to a substance like coffee grounds or kitty litter. The final step is to put the paste in a closed container and place the container in the trash.

**Recommended Action:** Receive and file No items submitted

## **STAFF REPORT**

### **2. Community Police Report**

**Officer Lowe** provided information pertaining to current crime trends in District II. Officer Lowe stated that Officer Bogle will be moving from Beat 399 to Beat 36. Officer Doughty will be moving to Beat 399. He also stated that there is major decrease in larceny reports in Beat 39 but they are starting to creep up primarily in Apartment complexes. He also stated that the new crime trend is stealing expensive decorative plants from homes in the area of 19<sup>th</sup> Street and Frederick Street.

**CM Schlapp** thanked Officer Lowe for the fine work that he and Police Department provides the community.

**Recommended Action:** Receive and file

### **3. Community Fire Report**

**Captain Joe Bickel** provided information pertaining to Fire Service calls in District II. Captain Bickel stated that there were 3 fires in District II since the last DAB meeting May 2<sup>nd</sup>. One of the fires was accidental and the other two are still under investigation. He also stated that the Wichita Fire Department is in the process of hiring 6-8 recruits for the academy. He stated after beginning the process they should be done with the academy in 8 to 9 weeks.

**CM Schlapp** thanked Captain Bickel for the efforts of the Wichita Fire Department.

**Recommended Action:** Receive and file

## **NEW BUSINESS**

### **4. CUP 2009-00011**

**Jess McNeely, Planning Department** provided information pertaining to a Community Unit Plan Amendment #2 to change the approved location of an LED sign for the Collegiate School Webb Road entrance.

**BACKGROUND:** On September 9, 2009, the Wichita City Council approved Amendment #1 to DP-166 for an LED sign with conditions to include a 55-foot setback from Webb Road. The applicant now requests Amendment #2 to DP-166 to change the approved location of the LED sign, placing the sign at the property line and within an easement. The applicant will be required to obtain permission from easement controlling authorities for sign placement. The applicant intends to file a vacation request, vacating the west five feet of Webb Road right-of-way (ROW), placing their property line 5 feet further east. The eastern edge of this site has three easements to include a pipeline, drainage, and sanitary sewer easement. These easements contributed towards the original need for a 55-foot setback from Webb Road. This application simply requests removal of the 55-foot sign setback requirement; the applicant will have other separate processes to determine the final sign location.

The sign as previously approved is 12 feet tall, 48 square-feet in size, and is proposed to have animation and video capability (see the attached sign elevation). The applicant's proposed amendment to DP-166 states: "One electronic message board sign with video and animation display shall be permitted on Parcel 5 adjacent to Webb Road. The sign shall have a maximum height of 12 feet and a maximum sign area of 48 square feet. The sign shall be located a minimum of 150 feet from the south property line of Parcel 5."

The application area is the high school portion of the Collegiate School. Property north of the site is zoned GO General Office ("GO") and LC Limited Commercial ("LC") and developed with an office building. Property south and west of the site is within the same Lakepoint CUP, is zoned SF-5, and is developed with single-family residences. East of the site, across Webb, is the LI Limited Industrial ("LI") zoned Raytheon property, which is primarily open space immediately east of the application area.

**CASE HISTORY:** The property is platted as a portion of Lot 1, Block 1, The Country Walk 2<sup>nd</sup> Addition, recorded in 1988. The CUP was originally approved in 1987. The CUP was amended on September 9, 2009 to allow an LED sign with conditions to include a 55-foot setback from Webb Road.

### **ADJACENT ZONING AND LAND USE:**

|               |                           |
|---------------|---------------------------|
| NORTH: LC, GO | Office building           |
| SOUTH: SF-5   | Single-family residential |
| EAST: LI      | Open Space                |
| WEST: SF-5    | Single-family residential |

**Larry Henry, MKEC Engineering, George Laham, Collegiate Board of Trustees** provided the following comments:

- LED sign not visible from proposed 55 ft. setback
- 55 ft. would place sign back behind trees
- Initial approval actually placed Sign 80 ft. back
- Poor visibility for individuals driving from the south
- Drainage easement and pipeline easements provided challenges
- Working with the City of Wichita to get vacation of 5 ft. along Webb Road
- 5 ft. vacation will allow the sign to be away from the street itself
- Sign will be able to be placed on property 25 ft. north of the entrance
- LED sign will provide information for individuals and visitors entering school
- LED sign will be done tastefully

**Recommended Action:** The **DAB** voted (6-3) in opposition of the Planning Staff's recommendation.

District Advisory Board Members attending the meeting had the following concerns:

- Preservation of residential flavor on Webb Road
- Initially agreed on 55 ft. setback from Webb Road at prior DAB Meeting
- Additional LED Signs on Webb Road
- Initially agreed on 55 ft. setback from Webb Road
- The precedent this decision would create interns of future signage
- Consideration of cutting back trees so sign would be visible from the South
- Inquired about how far from the road was Eastminister's LED Sign
- Inquired about linear distance

##### 5. CUP 2009-00011

**Jess McNeely, Planning Department** provided information pertaining to a Planned Unit Development for the office development, generally located midway between Rock and Webb Roads, on the Northeast corner of Harry and Longford Streets.

This request was heard by the MAPC (9-2) on December 4, 2008. DAB II recommended denial of the request (5-3) on December 3, 2008. The request generated a 19.72% protest petition. The applicant withdrew the request before going to City Council and has since significantly revised the PUD request; changes were based on neighbor concerns. The City Council then heard this item on May 5, 2009, and voted to send the revised request back to the MAPC and DAB for public hearing process review.

The applicant proposes to create PUD #29, the 4.73 acre Moussavi Office Park Planned Unit Development. The "PUD" Planned Unit Development special zoning district would replace the current zoning district of SF-5 Single-family Residential ("SF-5") on one parcel. The PUD would permit all uses in the GO General Office ("GO") zoning district, with the following uses prohibited: manufactured home, accessory apartment,

cemetery, correctional placement residence, golf course, parking area (commercial), recycling collection station (private), hotel or motel, marine facility, asphalt or concrete plant, and agriculture. Uses that require a Conditional Use in the GO district would require a separate PUD amendment. This leaves the following uses permitted in the PUD: single and multi-family residential (up to 75 dwelling units per acre), assisted living, group residence, church or place of worship, community assembly, convalescent care, daycare, hospital, library, schools, automatic teller machines, bed and breakfast inn, broadcast recording studio, funeral home, medical service, and general office.

Signs are per the Sign Code (the PUD does not designate which zoning district within the code), with only one 96 square-foot, 16-foot tall sign on Harry; off site, portable, and variable message signs are prohibited. All lighting is to be shielded away from residential areas with a 15-foot height limit; trash receptacles and roof equipment require screening. Landscaping is required per the Landscape Code, utilities are to be underground. The PUD requires screening, but would waive screening adjacent to multi-family parking, and would allow screening to be achieved with evergreen vegetation or berms in accordance with the Zoning Code. Architectural design standards require consistent exterior building materials of brick, stone, or stucco, consistent colors, and pitched roofs. Building setbacks are 20 feet from the north and west property lines, 25 feet from the south property line; 15-feet from single-family residential development on the east property line, and 10 feet from multi-family along the east property line. Building heights are limited to 35 feet. A total of eight buildings are permitted with a building coverage of 21%, a gross floor area ratio limited to 25%, and the entire development not to exceed 51,500 square feet of gross floor area. Access points are to be from both Harry and Longford.

North and west of the site are SF-5 zoned single-family residences. South of the site, across Harry, are SF-5 and MF-29 Multi-family Residential (“MF-29”) zoned multi-family residences. East of the site are TF-3 Two-family Residential (“TF-3”) zoned single and multi-family residences.

**CASE HISTORY:** The property is unplatted, and developed with three single-family residences and outbuildings.

**ADJACENT ZONING AND LAND USE:**

|                               |                                 |
|-------------------------------|---------------------------------|
| NORTH:SF-5                    | Single-family residences        |
| SOUTH: SF-5, MF-29, CUP DP-79 | Multi-family residences         |
| EAST: TF-3, CUP DP-53         | Two and multi-family residences |
| WEST: SF-5                    | Single-family residences        |

**Recommended Action:** The **DAB** voted (6-4) in favor of the Planning Staff’s recommendation.

Citizens attending the meeting had the following concerns.

- **Resident purchased home 13 years ago under the impression homes would be built in vacant area**

- Residents were assured by original developer that there would be more homes built in vacant area
- Resident stated they would have built in another area had they known homes were not going to be built
- No assurance homes will be built in vacant area
- Increased traffic in the area with office complex
- Concerns that office complex will compromise the integrity of the neighborhood
- Concerned in regard to office complex being too close to existing homes
- Potential lighting from parking structure will disturb residents quality of life

#### **6. Recreational Vehicle Amendment to Chapter 26**

**Bill Kaplan** provided information on the proposed changes to the zoning change regarding Chapter 26 on behalf of Randy Sparkman.

The initiating purpose was to accommodate contractors that work for airplane companies for a short amount of time then move on to another specialized job in another city. Obviously, a code change will apply to all, for whatever reasons they are here in Wichita. Therefore, code changes would apply to others including, but not limited to, “snow birds”, visiting family members, construction workers and those volunteering services for construction of churches, schools, and more.

The following proposed code changes are a result of the aforementioned effort. The proposed changes were completed through a process of presentation and cooperative efforts with the current, final wording being modified and approved by the Superintendent of Central Inspection and Acting Zoning, License & Sign Supervisor, J.R. Cox.

#### **Discussion:**

During the initial discussion and presentation of proposed changes to the code, one of the comments by Kurt Schroeder, Superintendent of the Office of Central Inspection was that the changes appeared to be “rather benign”. Given the intent of the changes and the care taken to protect the cities interests as a whole, protections to allow only newer RV’s less than 15 years old, with totally self contained characteristics and construction by a manufacturer for the specific purpose as a recreational vehicle (in other words, no converted busses); I believe that it makes economic and other sense to allow parks that are not fully occupied with full sized mobile/manufactured homes to have more RV’s, with specific regulations, but it also provides owners incentive to clean up some of the problematic locations and entices them to service nicer, newer RV’s while not having to provide a service building, if they do now, many of which are not functional within some older M/H parks.

The changes create a new definition of a “self-contained recreational vehicle” to make them stand separate and alone from the current “recreational vehicle” thus allowing it to have separate treatment and provide more favorable conditions within the parks. The location section of the code as noted, then separates and addresses the temporary nature

of the self contained RV, the mandatory requirement for sewer availability or requirement for a dump station for fairly obvious reasons but reasons necessary to mandate in a code for the protection of the city, with other protective restrictions.

It is important to note that much of the current code criteria regulating this use, in Chapter 26, dates to 1964 or within a time period of 5-10 years of that date, 45 years ago.

**Conclusion:** I believe it to be a reasonable change to the code that provides both incentives to park owners to update their parks but also eliminate old RV's to accommodate 'Self-contained Recreational Vehicles'. It provides a small economic impact in struggling economic times for this sector of affordable housing. Special care and concern has been taken to NOT create additional code enforcement duties for City of Wichita Code Enforcement staff of OCI which is already over taxed. **Note:** the creation of this type of RV does not change or increase the limitations of numbers of spaces for non-conforming parks nor does it increase the allowance of numbers of occupied spaces in those parks that have lost spaces, due to inactivity, without further code changes.

**Recommended Action: Receive and file**

DAB Members had the following comments:

- **Why was there a age limit on vehicles applied to the amendment**
- **The age limit discriminates against older vehicles**
- **There should be modification to amendment that excludes age limit on vehicles**

**With no further business, the meeting was adjourned at 8:30 p.m. The next DAB II Meeting will be July 6, 2009.**

Respectfully Submitted,  
Antione Sherfield, Neighborhood Assistant

**Guest**

Dave and Betty Wilson

Larry Henry

Helen Steindler

Charles Simon

Paula Hancock

Tom Roth

Wayne Larson